

## **REMARKS**

### ***Oath/Declaration***

A supplemental Declaration including Power of Attorney is enclosed herewith, executed by Olivier Déverin, the heir of deceased inventor, Jacques Alain Déverin. As the heir of the deceased, Mr. Olivier Déverin has power of attorney to execute the Declaration and Power of Attorney form.

It is respectfully requested that the objection/rejection thereto be withdrawn.

### ***Specification***

As per the Examiner's suggestion, instructions are given to replace the sections entitled SUMMARY OF THE INVENTION, BRIEF DESCRIPTION OF THE DRAWINGS, and DETAILED DESCRIPTION OF THE INVENTION, with the replacement sections attached hereto. Deletions to the sections are shown by strikethrough, and additions are shown by underlining.

In the SUMMARY OF THE INVENTION, paragraphs 0012 through 0021 are deleted.

In the DETAILED DESCRIPTION OF THE INVENTION, new paragraph 0028 is added to describe FIGS. 3A and 3B. New paragraphs 0029 through 0038 are added. These paragraphs are identical to paragraphs 0012 through 0021 herein deleted from the SUMMARY OF THE INVENTION. No new matter has been added.

Removal of the objections to the specification is kindly requested.

***Conclusion***

The present application is thought to be in a condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner has any questions, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,  
HODGSON RUSS LLP

By



Rachel S. Watt  
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Date: May 19, 2004

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Attachments: Declaration and Power of Attorney  
Replacement Sections



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Ref. No. 33997.0005  
(L133 US)

## Declaration and Power of Attorney for Patent Application

### Erklärung für Patentanmeldungen mit Vollmacht

#### German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an Eides Statt:

daß mein Wohnsitz meine Postanschrift und meine Staatsangehörigkeit den im nachstehenden nach meinem Namen aufgeführten Angaben entsprechen, daß ich nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Mitfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent für die Erfindung mit folgendem Titel beantragt wird:

**Optical Instrument Having a Binocular Viewing Port**

dessen Beschreibung hier beigefügt ist, es sei denn (in diesem Falle Zutreffendes bitte ankreuzen), diese Erfindung

- ☐ wurde angemeldet am \_\_\_\_\_ unter der US-Anmeldenummer oder unter der Internationalen Anmeldenummer im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentrechts (PCT) \_\_\_\_\_ und am \_\_\_\_\_ abgeändert (falls zutreffend).

Ich bestätige hiermit, daß ich den Inhalt der oben angegebenen Patentanmeldung, einschließlich der Ansprüche, die eventuell durch einen oben erwähnten Zusatzantrag abgeändert wurde, durchgesehen und verstanden habe.

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Titel 37, Code of Federal Regulations, 1.56 von Belang sind.

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäß Title 35, US Code, 119(a)-(d), bzw. 365(b) aller unten aufgeführten Auslandsanmeldungen für Patente oder Erfinderurkunden, oder 365(a) aller PCT internationalen Anmeldungen, welche wenigstens ein Land ausser den Vereinigten Staaten von Amerika benennen, und habe nachstehend durch ankreuzen sämtliche Auslandsanmeldungen für Patente bzw. Erfinderurkunden oder PCT internationale Anmeldungen angegeben, deren Anmeldetag dem der Anmeldung, für welche Priorität beansprucht wird, vorangeht.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Optical Instrument Having a Binocular Viewing Port**

the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on February 22, 2002 as United States Application Number or PCT International Application Number 10/081431 and was amended on January 16, 2004 (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application to which priority is claimed.

19. Mai 2004 C. Düe

**Prior Foreign Applications**  
**(Frühere ausländische Anmeldungen)**

101 08 989.0 Germany 23/February/2001

App. No. Country Day/Month/Year

App. No. Country Day/Month/Year

**Priority Not Claimed**  
**(Priorität nicht beansprucht)**

☐

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Ich beanspruche hiermit Prioritätsvorteile unter Title 35, US Code, 119(e) aller US-Hilfsanmeldungen wie unten aufgezählt.

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

App. No. Filed:

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Ich beanspruche hiermit die mir unter Title 35, US Code, 120 zustehenden Vorteile aller unten aufgeführten US-Patentanmeldungen bzw. 365(e) aller PCT internationalen Anmeldungen, welche die Vereinigten Staaten von Amerika benennen, und erkenne, insofern der Gegenstand eines jeden früheren Anspruchs dieser Patentanmeldung nicht in einer US-Patentanmeldung, bzw. PCT internationalen Anmeldung in in einer gemäß dem ersten Absatz von Title 35, US-Code, 112 vorgeschriebenen Art und Weise offenbart wurde, meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Title 37, Code of Federal Regulations, 1.56 von Belang sind und die im Zeitraum zwischen dem Anmeldetag der früheren Patentanmeldung und dem nationalen oder im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentrechts (PCT) gültigen internationalen Anmeldetags bekannt geworden sind.

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

App. No. Filed:

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Status: Patented/Pending/Abandoned

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Ich erkläre hiermit, daß alle in der vorliegenden Erklärung von mir gemachten Angaben nach bestem Wissen und Gewissen der Wahrheit entsprechen, und ferner daß ich diese eidesstattliche Erklärung in Kenntnis dessen ablege, daß wissentlich und vorsätzlich falsche Angaben oder dergleichen gemäß Section 1001, Title 18 des US-Code strafbar sind und mit Geldstrafe und/oder Gefängnis bestraft werden können und daß derartige wissentlich und vorsätzlich falsche Angaben die Rechtswirksamkeit der vorliegenden Patentanmeldung oder eines aufgrund deren erteilten Patentes geführten können.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**VERTRETUNGSVOLLMACHT:** Als benannter Erfinder beauftrage ich hiermit den (die) nachstehend aufgeführten Patentanwalt (Patentanwälte) und/oder Vertreter mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Angelegenheiten vor dem US-Patent- und Markenamt: (Name(n) und Registrationsnummer(n) auflisten)

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

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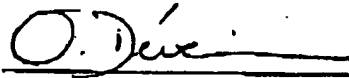
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19. MAI 2004

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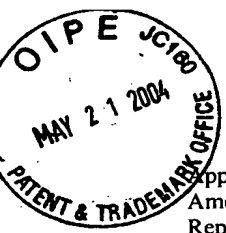
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SUMMARY OF THE INVENTION

[0007] It is the object of the invention further to develop an optical instrument which allows a switching between having the channels into which data and/or images are reflected, or out of which a portion of the beam path is reflected out to an imaging module, without the need to reinsert or remount modules.

[0008] According to the present invention the above object is achieved by an optical instrument which comprises:

- at least one binocular viewing port defining at least one binocular beam path which has two channels;
- an imaging module,
- a display module,
- a plurality of beam splitters for reflecting a portion of the beam path out onto the imaging module toward the viewing port, and for reflecting into one channel data or images that have been made available on the display module, wherein the imaging module and the display module are arranged in stationary fashion with respect to the optical instrument; and
- at least one optical switcher provided for the imaging module and the display module that optically connects the respective module to the beam splitter in the one or the other channel.

[0009] According to the present invention, the module or modules are arranged in stationary fashion. In order to connect the individual modules optically to the particular desired channel of the binocular beam path - which is preferably but not necessarily a stereo beam path - there is

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provided for each module (at least) one optical switcher that optically connects the respective module to the beam splitter in the one or the other channel, i.e. creates an optical path. Optionally, the optical switcher can also have a position in which it does not create a connection between the respective module and one of the channels of the binocular beam path.

[0010] It is preferred in this context if the optical switchers are rotatable or slidable prisms. Rhomboid prisms, for example, can be used as the prisms. Of course other "optical switches," such as simple mirrors or electrooptical elements can nonetheless also be used, provided their only function is to open up or close off an optical path between the respective module and the beam splitter provided in the one or the other channel.

[0011] It is also possible, in addition, to provide more than one optical switcher for each module.

~~[0012] For example, the one switcher, which for example is configured as a rhomboid prism, can, depending on its angular position, reflect the data or images made available by the display module into the left or into the right channel of a binocular tube. The other switcher, which can be introduced in place of the rhomboid prism into the beam path, can be configured, for example, in such a way that it reflects the data or images into both channels. For that purpose, this switcher can comprise a beam splitter and two downstream rhomboid prisms. When this switcher is introduced into the beam path, it is preferred if the switcher of the imaging module is in a position in which no light is directed out of the beam path onto the imaging module.~~

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~~[0013] The optical instrument or device configured according to the present invention has a number of advantages.~~

~~[0014] Since the individual modules do not need to be reinserted during operation, the simple result is that they do not need to be arranged for unrestricted access. Instead, they can be provided in space saving fashion in the interior of the instrument or device. As a rule, the configuration according to the present invention in fact makes it possible to arrange them in the device in such a way that they need to be removed only for servicing purposes. Only if the modules are to be used with multiple instruments or devices must they be configured in such a way that they can easily be detached from the device or instrument.~~

~~[0015] If the instrument or device has more than one binocular viewing port, the individual modules can then also be used for different binocular beam paths or indeed simultaneously for two or more binocular beam paths. Regarding instruments or devices having more than one binocular viewing port, the reader is referred by way of example to U.S. Pat. No. 4,138,191 and to the existing art recited on the cover page of that document. For example, it is possible to optically connect a display unit or a display module via corresponding optical switchers to any desired channel of the stereo beam paths provided for different observers, or even simultaneously to one respective channel of the two stereo beam paths of the surgical stereomicroscope described in U.S. Pat. No. 4,138,191.~~

~~[0016] In the optical instrument or device configured according to the present invention, it is particularly preferred if an imaging module and a display module are~~



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~~provided which can then selectably be optically connected to the left or right channel of the binocular beam path.~~

~~Nonetheless, of course, more than two modules can also be provided. These can be, for example, various imaging modules such as, for example, a photographic camera and a video unit, and/or various display modules of which one makes available data and the other images. In addition, however, other modules such as, for example, illumination units or laser modules for marking and/or treating or processing the specimen field can also be provided.~~

~~[0017] If an imaging or recording module and a display module are used simultaneously, it is preferred if they are optically connected to different beam paths of the binocular beam path, in order to prevent the occurrence of moiré effects. This is achieved in particularly simple fashion if the optical switchers of the recording module and of the display module are mechanically or electronically coupled to one another in such a way that the two modules cannot be connected simultaneously to the same beam path. In the case of rhomboid prisms, this can easily be done by the fact that the two prisms, depending on the light path in the prisms, are arranged on the same shaft, or that the two prism shafts are counter-coupled.~~

~~[0018] It is further preferred if the beam splitters are beam splitter prisms or beam splitter cubes, which allow both reflection in toward the viewing port and reflection out of the beam path.~~

~~[0019] The beam splitters are often permanent constituents of the respective channel; it is also possible, however, to join the beam splitter, for example, to the movable prisms or even~~

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~~to configure them integrally therewith. Although this increases the outlay for movement of the prisms, this embodiment nevertheless has the advantage that the beam splitter can be matched to the particular module. In the case of a laser module, for example, it is possible to design the beam splitter in such a way that it is opaque to the wavelength of the laser and thus deflects all of the laser light onto the specimen field, so that no laser light can emerge from the binocular viewing port.~~

~~[0020] It is moreover also possible to configure the optical instrument or device in such a way that each channel can be optically connected generally via different beam splitters to more than one module.~~

~~[0021] The invention is usable in particularly preferred fashion in microscopes and in particular in stereomicroscopes, in which the beam splitters are arranged, for example, in the parallel beam path between the microscope objective and the tube lens. The invention is nevertheless, of course, also usable in other instruments or devices, for example telescopes, binocular loupes, etc., in which reflection out of or into the beam path is possible. It is moreover expressly stated that the term "binocular viewing port" does not necessarily imply that the instrument or device is a stereo instrument or device.~~



Pat. No. 10/081,833  
Amendment and Response to Office Action  
Reply to Office Action of April 20, 2004

Attorney Docket No. 33997.0005

## REPLACEMENT SECTION

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### BRIEF DESCRIPTION OF THE DRAWINGS

[0022] The invention will be described below in more detail on the basis of exemplary embodiments and with reference to the drawings, in which:

FIG. 1 shows the beam routing through the beam splitter prisms or cubes used in the binocular beam path of a stereomicroscope; and

FIG. 2 shows a plan view of the beam splitter cubes depicted in FIG. 1 and the associated optical switchers, according to an exemplary embodiment of the present invention;

FIG. 3A shows a plan view similar to that of FIG. 2 wherein the optical switchers are slidable prisms; and

FIG. 3B is a view similar to that of FIG. 3A, wherein the optical switchers have been slidably switched as compared with FIG. 3A.



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DETAILED DESCRIPTION OF THE INVENTION

[0023] The invention will be described below, with no limitation as to general applicability, with reference to a stereomicroscope beam path (only partially depicted). In FIGS. 1 and 2, identical parts or elements are always labeled with the same reference characters, so that the individual parts need not always be presented again.

[0024] FIG. 1 shows in perspective the beam routing through the beam splitter prisms or cubes used in the binocular beam path of a stereomicroscope. The beam splitter cubes used in the left beam path  $\pm$  L and right beam path  $\mp$  R are labeled with the reference characters  $\alpha$  and  $\beta$ . Beams a and b (depicted with solid and dashed lines) coming from the microscope objectives encounter lower plane 11 (not visible in FIG. 1) of beam splitter cubes  $\alpha$  and  $\beta$ , enter the beam splitter cubes, and are divided by the respective partially reflective plane 1 of beam splitter cubes  $\alpha$  and  $\beta$  in accordance with the ratio (for example, 50:50) defined by the configuration or coating of said plane 1. Components a' or b' (depicted with dashed lines) that have been deflected 90° pass through rear plane 12 (also not visible in FIG. 1) of the beam splitter cubes and emerge therefrom, and can be imaged, for example, by an imaging module (not depicted in FIG. 1) such as a video unit and a photographic camera. The components (depicted with solid lines) that continue through plane 1 emerge from the respective (upper) plane 13 of the beam splitter cubes, pass through components (not depicted) of the stereomicroscope configured in usual fashion, and are then perceived by a viewer. Light arriving from a display unit (not depicted in FIG. 1) along beam paths A and B (depicted

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with dot-dash lines) at the respective (front) planes 14 of the beam splitter cubes is also divided by plane 1.

Components A' and B' that have been deflected 90° are also perceived by the viewer. The component passing through plane 1 emerges from plane 12 together with beams a' and b'. If light a' and b' coming from the microscope objective is to be imaged by an imaging module, these beams interference with image acquisition.

[0025] It is therefore usual to image only the light rays coming from the microscope objective that are reflected out of the beam path into which nothing is being reflected in.

[0026] FIG. 2 depicts an exemplary embodiment of the invention which makes it possible to select in simple fashion whether reflection is to occur into the left ~~(L)~~ (L) or right ~~(R)~~ (R) beam path, and to image with an imaging module the light emerging from the other beam path.

[0027] FIG. 2 shows a plan view of the arrangement depicted in perspective in FIG. 1, i.e. a view in the direction of the surface normal lines of plane 13. An imaging module 2 (only schematically depicted) is provided on the one side of the microscope beam path; a display module 3 (also only schematically depicted) is provided on the other side. The two modules 2 and 3 are arranged in such a way that their optical axes extend in the center between beam paths A and b' and a and B. Two rhomboid prisms 4 and 5, serving as optical switchers, are arranged between beam splitter cubes  $\alpha$  and  $\beta$  and modules 2 and 3, respectively. Depending on the positions of rhomboid prisms 4 and 5, they connect imaging module 2 to left beam splitter cube  $\alpha$  and display module 3 to right beam splitter cube  $\beta$ , or imaging module 2 to right beam splitter

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module  $\beta$  and display module 3 to left beam splitter cube  $\alpha$ . It is particularly preferred in this context if the two rhomboid prisms 4 and 5 are arranged on a common shaft 6 (depicted with a dash-double-dot line), so that switching always occurs synchronously through  $180^\circ$  and the two modules are never simultaneously connected to the same channel. The reader is referred to FIG. 2 for further details.

[0028] FIGS. 3A and 3B show a plan views of an embodiment wherein the optical switchers are slidable prisms. A first optical switcher associated with imaging module 2 includes rhomboid prisms 4 and 4' arranged in mirror image as shown, and a second optical switcher associated with display module 3 includes rhomboid prisms 5 and 5' also arranged in mirror image as shown. In the position shown in FIG 3A, prism 4 connects imaging module 2 to left beam splitter cube  $\alpha$ , and prism 5 connects display module 3 to right beam splitter cube  $\beta$ . Prisms 4 and 4' of the first optical switcher are slidable as indicated by the double arrow, to a position shown in FIG. 3B wherein prism 4' connects imaging module 2 to right beam splitter cube  $\beta$  and prism 4 no longer connects imaging module 2 to left beam splitter cube  $\alpha$ . In similar fashion, prisms 5 and 5' are slidable to the position shown in FIG. 3B wherein prism 5' connects display module 3 to left beam splitter cube  $\alpha$  and prism 5 no longer connects display module 3 to right beam splitter cube  $\beta$ .

[0029] For example, the one switcher, which for example is configured as a rhomboid prism, can, depending on its angular position, reflect the data or images made available by the display module into the left or into the right channel of a binocular tube. The other switcher, which can be introduced

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in place of the rhomboid prism into the beam path, can be configured, for example, in such a way that it reflects the data or images into both channels. For that purpose, this switcher can comprise a beam splitter and two downstream rhomboid prisms. When this switcher is introduced into the beam path, it is preferred if the switcher of the imaging module is in a position in which no light is directed out of the beam path onto the imaging module.

[0030] The optical instrument or device configured according to the present invention has a number of advantages.

[0031] Since the individual modules do not need to be reinserted during operation, the simple result is that they do not need to be arranged for unrestricted access. Instead, they can be provided in space-saving fashion in the interior of the instrument or device. As a rule, the configuration according to the present invention in fact makes it possible to arrange them in the device in such a way that they need to be removed only for servicing purposes. Only if the modules are to be used with multiple instruments or devices must they be configured in such a way that they can easily be detached from the device or instrument.

[0032] If the instrument or device has more than one binocular viewing port, the individual modules can then also be used for different binocular beam paths or indeed simultaneously for two or more binocular beam paths. Regarding instruments or devices having more than one binocular viewing port, the reader is referred by way of example to U.S. Pat. No. 4,138,191 and to the existing art recited on the cover page of that document. For example, it is possible to optically connect a display unit or a display module via corresponding

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optical switchers to any desired channel of the stereo beam paths provided for different observers, or even simultaneously to one respective channel of the two stereo beam paths of the surgical stereomicroscope described in U.S. Pat. No. 4,138,191.

[0033] In the optical instrument or device configured according to the present invention, it is particularly preferred if an imaging module and a display module are provided which can then selectably be optically connected to the left or right channel of the binocular beam path. Nonetheless, of course, more than two modules can also be provided. These can be, for example, various imaging modules such as, for example, a photographic camera and a video unit, and/or various display modules of which one makes available data and the other images. In addition, however, other modules such as, for example, illumination units or laser modules for marking and/or treating or processing the specimen field can also be provided.

[0034] If an imaging or recording module and a display module are used simultaneously, it is preferred if they are optically connected to different beam paths of the binocular beam path, in order to prevent the occurrence of moiré effects. This is achieved in particularly simple fashion if the optical switchers of the recording module and of the display module are mechanically or electronically coupled to one another in such a way that the two modules cannot be connected simultaneously to the same beam path. In the case of rhomboid prisms, this can easily be done by the fact that the two prisms, depending on the light path in the prisms, are



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arranged on the same shaft, or that the two prism shafts are counter-coupled.

[0035] It is further preferred if the beam splitters are beam splitter prisms or beam splitter cubes, which allow both reflection in toward the viewing port and reflection out of the beam path.

[0036] The beam splitters are often permanent constituents of the respective channel; it is also possible, however, to join the beam splitter, for example, to the movable prisms or even to configure them integrally therewith. Although this increases the outlay for movement of the prisms, this embodiment nevertheless has the advantage that the beam splitter can be matched to the particular module. In the case of a laser module, for example, it is possible to design the beam splitter in such a way that it is opaque to the wavelength of the laser and thus deflects all of the laser light onto the specimen field, so that no laser light can emerge from the binocular viewing port.

[0037] It is moreover also possible to configure the optical instrument or device in such a way that each channel can be optically connected - generally via different beam splitters - to more than one module.

[0038] The invention is usable in particularly preferred fashion in microscopes and in particular in stereomicroscopes, in which the beam splitters are arranged, for example, in the parallel beam path between the microscope objective and the tube lens. The invention is nevertheless, of course, also usable in other instruments or devices, for example telescopes, binocular loupes, etc., in which reflection out of or into the beam path is possible. It is moreover expressly

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stated that the term "binocular viewing port" does not necessarily imply that the instrument or device is a stereo instrument or device.